IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

JUDGES ORDER NO.135 OF 2005
IN
EXECUTION APPLICATION NO.325 OF 2003
IN
SUM.SUIT NO.4190 OF 1998

Suresh Gianchand Kumar. ..Plaintiff.

V/s.

M/s.Nitual Textiles & Ors. ..Defendants.

And

Ramesh Kapoor. ..Applicant.

Mr.Ashok Varma i/b Ms.M.Monterio for applicant purchaser.

Mr.K.R.Dhanuka for plaintiff.

Ms.Rohini Kotian for defendants.

CORAM: A.M.KHANWILKAR,J

DATE : OCTOBER 17, 2005.

P.C. :

1. Heard counsel for the parties.

2. Counsel for the Judgment Debtors prays for time to vacate disputed premises till 1st December, 2005. Counsel for the Auction Purchaser however, submits that he has no objection, if two weeks' time to hand over vacant and peaceful possession of the premises, as prayed for, is to be granted. However, if the Judgment debtor fails to vacate and hand over

possession of the premises, peremptory order in terms of of Judge's order be passed.

3. I find substance in the submission canvassed on behalf of the auction purchaser. Accordingly, Judgment debtors are directed to deliver vacant and peaceful possession of the disputed premises on or before 31st October, 2005 to the Commissioner, failing which, it will be open to the Commissioner to proceed as if order in terms of Judge's order is passed with effect from 1st November, 2005.

4. Ordered accordingly.